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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY/DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/702,737 | 11/01/2000 | Léster F. Ludwig | VCOR-001/20US | 3630 |

23493 7590 09/25/2002
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EXAMINER

DINH, DUNG C

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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2153

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 09/702,737 | Applicant(s) LUDWIG ET AL. | |
| | Examiner Dung Dinh | Art Unit 2153 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The obviousness-type double patenting rejections in the last office are withdraw in view of the terminal disclaimers filed 7/11/2002.

Response to Arguments

Applicant's arguments filed 7/11/2002 have been fully considered but they are not persuasive.

Applicant argued that the directory of the reference is for email per se and is not applicable to videoconferencing. The argument is not persuasive. The idea of using a directory is applicable to any environment that has plural individuals. Applicant's own argument make anology to "quick dial" and "hot keys". A directory serves to allow quick access to individual connection information, to allow look up of desired individual to establish communication, etc. The concept is clearly applicable to any communication environments including videoconferencing.

Applicant attempted to distinguish over the reference by limiting the content of the directory to video-enabled participants. It is known that conferencing participants have varies capacities regarding video, audio, and data (see the Etherphone reference). It would have been obvious in a video conferencing system to provide directory of video-enabled

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individuals because it would let the user know who is capable of conferencing with video.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumgartner et al. US patent 5,195,086 and further in view of Marshak "BeyondMail for Windows" and Rangan et al. "Software Architecture for Integration of Video Services in the Etherphone System".

As per claim 21, Baumgartner teaches a teleconferencing essentially as claimed, comprising:

a plurality of video display [inherent in fig.1 workstation A, B, & C]; having audio capture and reproduction capabilities [col.15 lines 5-15];

at least a communication path [fig.1];

wherein the system is configured to display a directory [fig.18]; and

to initiate collaboration upon selecting one or more participants from the display and establish communication with each selected participant [col.18 lines 51 col. 19 lines 13].

Baumgartner does not specifically disclose first and second directory in which the second directory is a subset of the first directory. Marshak discloses that it is known in the art to provide global and private directories (address books - see page 4 "Managing address book"). Hence, It would have been obvious for one of ordinary skill in the art to provide a private second directory which is a subset of the global directory because it would have enable the user to more efficient grouping and identification of the participants.

Baumgartner does not specifically disclose usage of video or video capture capabilities and the directory including video-enabled participants. Rangan teaches a system for video/audio conferencing with video capture capabilities. It would have been obvious for one of ordinary skill in the art to have video with Baumgartner system because it would have enhanced the collaborative interactions among the users. Marshak discloses that the directory can include any type of information to provide complete "rolodex-like" functionality. It would have been

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obvious, in the system as modified, to provide indication capabilities of the participants in the directory (e.g. video-enabled, audio-enabled, data-enabled, ect.) because it would have enabled a user to know and better informed about the capabilities of other potential participants prior to initiating a conference.

As per claim 22, Baumgartner teaches using icon and text [see fig.19].

AS per claim 23, Rangan teaches selecting communication types [p.1397 col.2]. Baumgartner teaches using GUI for selecting participant and collaboration applications. Hence, it is apparent the system as modified would have GUI means for selecting the communication type. It would have been obvious for one of ordinary skill in the art to enable the participant to select the conferencing type because it would enable efficient and flexible use of the conferencing system.

As per claim 24, the communication types provided would have been a matter of design choice because it is dependent upon the capabilities of the conferencing system at hand. The method of providing iconic participants directory method would operate essentially the same way regardless of what communication types is available. One of ordinary skill in the art would have known to provide means for the participant to select any communication type

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available in the system so as to enable the participants to make full use of the conferencing services.

As per claim 25, Baumgartner teaches graphic user interface for selecting the participants.

As per claim 26, Baumgartner teaches a default collaboration type upon selecting of a participant [col.19 lines 21-22 'phone'].

As per claim 27, Baumgartner teaches adding new participant [col.22 lines 56+]

As per claim 28, Rangan teaches reproducing audio/video for another participant [p. 1402 col.2 "video document"].

As per claim 29, The references does not specifically disclose hot key for selecting a participant. It is well known in the art to provide hot key for quick access too menu and other application functions. Hence, it would have been obvious for one of ordinary skill in the art to provide a hot key to select a participant because it would have enable to use to have quick, convenient access to the directory

Claims 30-41 are rejected under similar rationales as for claims 21-29 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS**

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ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

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Washington, DC 20231

or faxed to:

(703) 746-7238, (for formal communications; please
mark "EXPEDITED PROCEDURE")

(703) 746-7240 (for informal or draft communications,
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington. VA, Fourth Floor (Receptionist).



Dung Dinh
Primary Examiner
September 23, 2002